

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 3 - 2008 ★

-----X
**GARY LA BARBERA, LAWRENCE KUDLA,
THOMAS GESUALDI, LOUIS BISIGNANO,
FRANK FINKEL, FRANK DIMENNA,
JOSEPH FERRARA, and ROBERT CARLINO,
as Trustees and Fiduciaries of the Local 282
Welfare, Pension, Annuity, Job Training, and
Vacation, and Sick Leave Trust Funds,**

BROOKLYN OFFICE

Plaintiffs,

- against -

ORDER

06 CV 3343 (NG) (KAM)

**LES SUB-SURFACE PLUMBING, INC., and
LES FISCHER CONTRACTING CORP.,**

Defendants.

-----X

GERSHON, United States District Judge:

The unopposed Report and Recommendation of Magistrate Judge Matsumoto, dated August 30, 2007, is adopted in its entirety. The Clerk of Court is hereby directed to enter judgment for plaintiffs in the amount of: \$448,287.54 in unpaid contributions, plus accrued interest through September 30, 2006 in the amount of \$87,026.49, and daily interest of \$221.07 from October 1, 2006 through the date of judgment; additional damages pursuant to 29 U.S.C. § 1132(g)(2)(C) equivalent to the interest on the unpaid contributions (i.e., \$87,026.49 plus daily interest of \$221.07 from October 1, 2006 through the date of judgment); and attorney's fees of \$16,104, costs of \$2,646.57, and audit fees of \$995.00. In total, this amounts to an award of \$642,086.09 plus \$442.14 in daily interest from October 1, 2006 through the date of judgment.

Defendants are also found to be jointly and severally liable for the above award under the alter ego and single employer/single unit doctrines, and the Clerk of Court is hereby directed to enter

judgment against both defendants. Plaintiffs are denied injunctive relief compelling defendants to produce their books and records to plaintiffs for audit.

SO ORDERED.

s/NG

NINA GERSHON
United States District Judge

Dated: Brooklyn, New York

March , 2008

April 1